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Third Party Communication: None  
Date of Communication: Not Applicable

Person To Contact: \_\_\_\_\_, ID No. \_\_\_\_\_

Refer Reply To:  
CC:INTL:B06  
PLR-107637-16

Date:  
August 30, 2016

In re:

Taxpayer	=
Company	=
Accounting Firm	=
Date 1	=
Date 2	=
Year 1	=
Year 2	=
State	=

Dear \_\_\_\_\_ :

This replies to your letter dated October 26, 2015, requesting that the Internal Revenue Service (“Service”) grant Taxpayer an extension of time under Treas. Reg. § 301.9100-3(a) to file Form 4876-A (“Election to be Treated as an Interest Charge DISC”), effective as of Date 1, for Taxpayer’s first taxable year.

The rulings contained in this letter are based upon information and representations submitted by Taxpayer and Accounting Firm, and accompanied by affidavits and penalties of perjury statements executed by appropriate parties. This office has not verified any of the materials submitted in support of the request for rulings. They are subject to verification on examination.

**FACTS**

Taxpayer was incorporated in State on Date 1 for the purpose of qualifying and operating as an interest charge domestic international sales corporation ("IC-DISC"). Taxpayer is wholly owned by Company.

After formation, Accounting Firm prepared and delivered Form 4876-A to Taxpayer. Accounting Firm advised Taxpayer to mail Form 4876-A to the Service within 90 days of Date 1. On Date 2, an officer of Taxpayer signed Form 4876-A, and a copy of the signed form was placed in Taxpayer's files. Afterward, Taxpayer believed that the inclusion of a copy of Form 4876-A in its files indicated that the form had been properly and timely filed after it was signed. Taxpayer subsequently timely filed Form 1120-IC-DISC for Year 1 and Year 2.

During Year 2, Taxpayer received a notice from the Service informing Taxpayer that it failed to timely file Form 4876-A. Taxpayer corresponded with the Service about the possibility that Taxpayer had in fact timely filed Form 4876-A. However, the Service confirmed that it had not received Form 4876-A. Taxpayer requests a private letter ruling for an extension of time to file Form 4876-A for its first taxable year.

**LAW AND ANALYSIS**

Section 992(b)(1)(A) of the Internal Revenue Code provides that an election by a corporation to be treated as a DISC shall be made by such corporation for a taxable year at any time during the 90-day period immediately preceding the beginning of the taxable year, except that the Secretary may give his consent to the making of an election at such other times as he may designate.

Section 992(b)(1)(B) provides that such election shall be made in such manner as the Secretary shall prescribe and shall be valid only if all persons who are shareholders in such corporation on the first day of the first taxable year for which such election is effective consent to such election.

Temp. Treas. Reg. § 1.921-1T(b)(1) provides, in part, that a corporation electing IC-DISC status must file Form 4876-A and that a corporation electing to be treated as an IC-DISC for its first taxable year shall make its election within 90 days after the beginning of the year.

Treas. Reg. § 301.9100-1(c) provides, in part, that the Commissioner, in exercising the Commissioner's discretion, may grant a reasonable extension of time under the rules set forth in Treas. Reg. §§ 301.9100-2 and 301.9100-3 to make a regulatory election under all subtitles of the Code except subtitles E, G, H, and I.

Treas. Reg. § 301.9100-1(b) provides that a regulatory election is an election whose due date is prescribed by a regulation published in the Federal Register, or a revenue ruling, revenue procedure, notice, or announcement published in the Internal Revenue Bulletin. For this purpose, an election includes an application for relief in respect of tax.

Treas. Reg. § 301.9100-3(a) provides that requests for extension of time for regulatory elections that do not meet the requirements of Treas. Reg. § 301.9100-2 (automatic extensions) must be made under the rules of Treas. Reg. § 301.9100-3. Requests for relief subject to Treas. Reg. § 301.9100-3 will be granted when the taxpayer provides the evidence (including affidavits described in Treas. Reg. § 301.9100-3(e)) to establish to the satisfaction of the Commissioner that the taxpayer acted reasonably and in good faith, and that the grant of relief will not prejudice the interests of the Government.

Based on the facts and representations submitted with your ruling request, we conclude that Taxpayer satisfies Treas. Reg. § 301.9100-3(a). Accordingly, Taxpayer is granted an extension of time of 60 days from the date of this ruling letter to file Form 4876-A. Such filing will be treated as a timely election to be treated as an IC-DISC for Taxpayer's first taxable year.

The granting of an extension in this ruling letter is not a determination that Taxpayer is in fact eligible to make the election or to claim IC-DISC status or benefits. See Treas. Reg. § 301.9100-1(a). Taxpayer should attach a copy of this ruling letter to its Federal income tax return for the taxable years to which this letter applies.

This ruling is directed only to the taxpayer requesting it, and section 6110(k)(3) provides that it may not be used or cited as precedent. Except as expressly provided, this letter does not express or imply any opinion concerning the tax consequences of any aspect of any transaction or item discussed or referenced in this letter.

In accordance with the Power of Attorney on file with this office, a copy of this letter is being sent to your authorized representatives.

Sincerely,

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Christopher J. Bello  
Chief, Branch 6  
Office of Associate Chief Counsel (International)

Enclosures (2)  
Copy of this letter  
Copy for § 6110 purposes